



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Attorney Docket No: 016778/0398

2653  
#7  
smc  
6/24/02

In re patent application of

Ryuichi KATAYAMA

Serial No.: 09/442,773

Group Art Unit: 2653

Filed: November 18, 1999

Examiner: A. Psitos

For: *Optical Head Apparatus*

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**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

In response to the Office Action dated May 16, 2002, Applicant provisionally elect, with traverse, Group II, claims 3-15. In the Office Action dated May 16, 2002, the Examiner stated that Claim 1 is a linking claim between the inventions of Group I and Group II and would be examined along with either of the elected inventions.

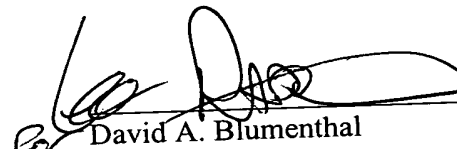
Furthermore, the Examiner stated that if Applicants elected Group-II, then a species would have to be elected. Applicant submits that the election of species requirement is improper. However, Applicant hereby elects species "d", an optical head having a prism and HOE arrangement. Since Examiner did not indicate which claims read on species "d", Applicant submits that claims 3-15 are readable upon species "d".

Applicants, of course, reserve the right to file divisional applications covering the subject matter of the non-elected claims. Applicants also reserve the right to appeal the restriction requirement to the Commissioner if the requirement is made final in a subsequent Office Action.

Receipt of the initial Office Action on the merits is awaited.

Respectfully submitted,

6/17/02  
Date

  
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Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 19-0741 for any such fees; and applicant(s) hereby petition for any needed extension of time.